

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
February 10, 2004**

PLACE: Room 213
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Conze, Forman, Bigelow, Kenny

STAFF ATTENDING: Ginsberg, Keating OTHERS ATTENDING: Robert Wilson, SWRPA

The Board of Selectmen meeting in Room 206 had not adjourned by 8:00 p.m. The Planning & Zoning Commission decided to move its meeting to Room 213. A note to that effect was posted at the entrance to Room 206.

The Planning & Zoning Commission meeting was called to order to Room 213 at 8:01 p.m.

Chairman Damanti read the following agenda item:

Mandatory Referral, Coastal Site Plan Review #167-B, Flood Damage Prevention Application #176-B, Darien Sewer Commission/DPW, Long Neck Point Road, Pear Tree Point Road, Crane Road sewer extension project. Proposal to construct a sanitary sewer line within the bridge deck of the Ring's End Road bridge, to connect the proposed (and previously approved) sanitary sewer line on Long Neck Point Road to the existing sewer on Ring's End Road.

The Commission members discussed the fact that the original plans for the sewer installation were revised because after the approvals were obtained it discovered that for engineering reasons the use of direct drilling under the watercourse would not be feasible. The Commission members discussed at length the appropriateness of having the road surface of the bridge restored to its original condition after the sanitary sewer line is installed. This would be much preferable to having a patch in the road. The following motion was made: That the Commission adopt the following findings and report regarding the Mandatory Referral:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
SEWER COMMISSION, SANITARY SEWER EXTENSIONS
February 10, 2004**

Mandatory Referral, Darien Sewer Commission/DPW, Long Neck Point Road, Pear Tree Point Road, Crane Road sewer extension project. Proposal to construct a sanitary sewer line within the bridge deck of the Ring's End Road bridge, to connect the proposed (and previously approved) sanitary sewer line on Long Neck Point Road to the existing sewer on Ring's End Road. The proposed sewer line will be located within the right-of-way of Ring's End Road, which is shown on Tax Assessors' Map #51.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 2

During a public hearing on January 27, 2004, this project was explained to the Planning and Zoning Commission.

The Commission, having reviewed the proposal, hereby approves said proposal and issues its report as follows:

The Commission finds that the proposed sanitary sewer extensions are consistent with Town plans, policies and objectives, and the Town Plan of Development. The 1995 Town Plan of Development notes on page 136, that "...[sewer] extensions have been, and will continue to be allowed adjacent to sewer areas where...health concerns associated with failing septic systems exist." It also notes that consideration should be given to installing sewers in the coastal areas near Long Island Sound.

This project is to connect the proposed (and previously approved) sanitary sewer line on Long Neck Point Road, Pear Tree Point Road and Crane Road to the existing sanitary sewer lines along Ring's End Road. It was originally approved with directional drilling under the Goodwives River. That project was approved by the Darien Environmental Protection Commission, the Darien Planning and Zoning Commission and the State of Connecticut DEP. However, for engineering reasons, the previously approved plan was not feasible. The revised plan proposed at this time is to install a sanitary sewer line within the bridge deck of the Ring's End bridge and to restore the surface to its pre-construction condition. The Sewer Commission noted that all other aspects of this project are the same, and the same area is proposed to be served by this sanitary sewer project.

The motion was made by Mrs. Forman, seconded by Mr. Conze and unanimously approved. The Commission members discussed the fact that the change in the sewer system design would apparently have little or no impact on the coastal resources of flood conditions.

The motion was made by Mr. Kenny, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

Special Permit Application #234, Jay Ragusa d/b/a Gofer Ice Cream, LLC, 1014 Boston Post Road. Proposing to establish an ice cream parlor within the existing building. Subject property is located on the south side of Boston Post Road approximately 275 feet northeast of its intersection with Corbin Drive, and is shown on Tax Assessor's Map #72 as Lot #11, in the CBD Zone.

Several clarifications and corrections to the draft Resolution were discussed and agreed upon. The following motion was then made: That the Commission approve the revised and corrected Resolution as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 10, 2004**

Application Number: Special Permit Application #234
John Jay Ragusa d/b/a Gofer Ice Cream, LLC, 1014 Boston Post Road.

Street Address: 1014 Boston Post Road

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 3

Tax Assessor's Map #72 Lot #11

Name and Address of
Applicant's Representative: John Jay Ragusa
522 East Putnam Avenue
Greenwich, CT 06830

Name and Address of Applicant: Jeff Williams
5 Hickory Lane
Darien, CT 06820

Name and Address of : Gruss/Lesser Properties, LLC
Property Owner: c/o Choyce Peterson
2001 West Main Street
Stamford, CT 06902

Activity Being Applied For: Proposing to establish an ice cream parlor within the existing building.

Property Location: Subject property is located on the south side of Boston Post Road approximately 275 feet northeast of its intersection with Corbin Drive.

Zone: CBD

Date of Public Hearing: January 27, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 15 & 22, 2004

Newspaper: Darien News-Review

Date of Action: February 10, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 19, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 4

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to establish an ice cream parlor with a maximum of two tables and a total of four seats within the existing building space at 1014 Boston Post Road. The ice cream parlor is a Special Permit use under Section 654c of the Darien Zoning Regulations, which allows the sale of prepared food such as candy or ice cream for consumption on or off the premises. No outdoor seating is proposed as part of this application and none is permitted.
2. The applicant explained that the subject space contains 533 rentable square feet. It is expected that there would be 2-4 employees in the store during the busiest times. The applicant noted within the application materials that the general hours of operation are noon until 10pm each day. The application also notes that the business may close from December to March each year, presumably because of the seasonal nature of the business.
3. As noted by the applicant at the public hearing, ice cream parlor employees have been given written authorization to park in the rear section of 1006-1010 Boston Post Road, the adjacent property owned by Dolman Properties, LLP. A December 18, 2003 letter was submitted confirming that authorization. Customers for the ice cream parlor can park behind the existing building on the subject property. It was noted that this property is in the middle of downtown Darien, and has on-street parking both in front of the building, and across the street from it. The applicant mentioned that due to the specific nature of the use, and its unique location within downtown Darien, many customers would be expected to walk to this business.
4. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
5. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #234 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the floor plan concept for #1014 Post Road received in the Planning and Zoning Department on January 26, 2004 and submitted as part of the application materials. Final details of the floor plan may be slightly modified subject to final approval by

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 5

the Fire Marshal, Health Director, Planning & Zoning Director, and Building Official. Any final floor plans must be consistent with representations made at the public hearing by the applicant that there will be a maximum of two tables and four seats within the building.

- B. No request for exterior seating was included as part of this application. Any such request will require subsequent review and action by the Planning & Zoning Commission.
- C. Any exterior signage or façade changes will require review and action by the Architectural Review Board.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval from the Darien Health Department.
- F. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 9, 2005). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations, the signing of the final approved plans by the Chairman, and filing of the Special Permit form in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

The motion was made by Mr. Bigelow, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

Coastal Site Plan Review #189, Nine Pratt Island Trust, 9 Pratt Island. Proposing to raze a portion of the existing residence and reconstruct that portion of the residence and perform related site development activities within a regulated area. The subject property is located the south side of Pratt Island approximately 1,100 feet south of its intersection with Nearwater Lane, and is shown on Tax Assessor's Map #55 as Lot #117 in the R-1 Zone.

Several typographical errors were discussed and corrections were made to the draft Resolution. The following motion was made: That the Commission adopt the following Resolution to approve the project subject to the conditions and stipulations as detailed in the Resolution:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 10, 2004**

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 6

Application Number: Coastal Site Plan Review #189

Tax Assessor's Map #55 Lot #117

Name and Address of
Property Owner: Nine Pratt Island Trust (Peter & Laurie Maglathlin)
9 Pratt Island
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason Hill & Ambrette, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to raze a portion of the existing residence and reconstruct that portion of the residence and perform related site development activities within a regulated area.

Property Location: The subject property is located the south side of Pratt Island approximately 1,100 feet south of its intersection with Nearwater Lane.

Zone: R-1

Date of Public Hearing: January 27, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: January 15 & 22, 2004

Newspaper: Darien News-Review

Date of Action: February 10, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 19, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 7

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to raze most of the existing residence and reconstruct that portion of the residence and perform related site development activities within a regulated area. Much of the new construction will be within 100 feet of Mean High Water. The property is served by public water and Town sewer systems.
2. At the public hearing on this matter, a number of issues arose regarding this project, most importantly the “teardown” aspects of the project. As part of this proposal, the applicant noted that three portions of the existing residence would be retained. Those are the non-conforming portions of the building with respect to the 40’ setback requirement from the property boundary lines. No “expert” evidence was submitted regarding the structural stability of saving these three portions of the residence. At the public hearing, the applicant explained that there would be no change in the dimension of these non-conforming portions of the residence, other than a modification/reduction in the existing rooflines.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures, which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #189 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The proposed activities shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Zoning Location Survey of #9 Pratt Island prepared for The Nine Pratt Island Trust, by William W. Seymour & Associates, scale 1”=30’, dated August 11, 2003, and last revised December 8, 2003.
 - New Residence Pratt Island Road by Roger Bartels Architects, LLC, dated 12-11-03, Sheet Number 2. (floor plans).
 - New Residence Pratt Island Road by Roger Bartels Architects, LLC, dated 12-11-03, Sheet Number 3. (elevations).

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 8

- Coastal Area Management Evaluation, Maglathlin property, Erosion Control Plan, by Stearns & Wheler, Sheet 3. Amended for Extension of Construction Limit 1/27/04.
 - Coastal Area Management Evaluation, Maglathlin property, Erosion Control Plan, by Stearns & Wheler, Sheet 4.
 - Coastal Area Management Evaluation, Maglathlin property, Erosion Control Details, by Stearns & Wheler, Sheet 5.
- B. All HVAC units on the property shall comply with the zoning setbacks, and be at or above the flood level. HVAC units proposed on the east side of the building need to be relocated.
- C. Plan modifications shall be made to reduce the height of the cupola in order to comply with Section 371 of the Darien Zoning Regulations. The exterior dimensions of the cupola cannot exceed a maximum of four feet high and four feet wide, and shall have no light source within it. Revised plans shall be submitted reflecting this condition.
- D. This application has been presented as a razing of most of the existing residence. As noted above, three existing non-conforming portions of the residence are to remain. If any or all of those portions of the residence are removed or materially altered, then a subsequent application to the Zoning Board of Appeals and the Planning and Zoning Commission will be necessary to rebuild them.
- E. An alternative CAM Site Plan was submitted at the public hearing reflecting an alternate construction limit edge. That alternate plan is hereby approved. The applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the relocation of the water line and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (February 9, 2005). This may be extended as per Section 815.

All provisions and details of the plan as required to be amended herein shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 9

The motion was made by Mr. Conze, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

Flood Damage Prevention Application #200, Land Filling & Regrading Application #114, Carol Tellini, Ashton Holdings, LLC, 24 Lake Drive. Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within a regulated area. Subject property is located on the north side of Lake Drive approximately 1,000 feet west of its intersection with Hoyt Street, and is shown on Tax Assessor's Map #30 as Lot #10, in the R-1/3 Zone.

Several minor modifications to the draft Resolution were discussed and agreed upon. The following motion was made: That the Commission adopt the following Resolution to approve the project.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 10, 2004**

Application Number: Flood Damage Prevention Application #200
Land Filling & Regrading Application #114

Subject Property: 24 Lake Drive
Tax Assessor's Map #30 Lot #10

Name and Address of Property Owner: Carol Tellini/Ashton Holdings, LLC
And Applicant: 191 Van Rensselaer Ave.
Stamford, CT 06902

Name and Address of: Teodoro Milone, PE
Applicant's Representative: Redniss & Mead, Inc.
22 First Street
Stamford, CT 06905

Activity Being Applied For: Proposing to raze the existing residence, construct a new residence, and perform related site development activities within a regulated area.

Property Location: Subject property is located on the north side of Lake Drive approximately 1,000 feet west of its intersection with Hoyt Street.

Zone: R-1/3

Date of Public Hearing: January 27, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 10

Publication of Hearing Notices

Dates: January 15 & 22, 2004

Newspaper: Darien News-Review

Date of Action: February 10, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 19, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 820 and 850 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is a Flood Damage Prevention application under Section 820 and a Land Filling and Regrading Application under Section 850 of the Darien Zoning Regulations to demolish and remove the existing single-family residence, construct a new single-family residence on the property and perform related site development activities within a regulated area. The proposed location of the residence is in a flood hazard zone. The property is connected to Town sewer and public water supply.
2. The Environmental Protection Commission approved this project on January 7, 2004 (EPC 2-2004). That approval is hereby incorporated by reference.
3. At the public hearing, it was noted that a subtle swale along the western property line would help ensure that no drainage goes onto the adjoining property owner's property. There was also discussion regarding the need for additional sedimentation and erosion controls.
4. At the public hearing, a letter dated 27 January 2004 by Harrison W. Gill of Gill & Gill Architects was submitted certifying that the proposed new residence can withstand flood forces and "...is designed and will be adequately anchored to prevent flotation, collapse or lateral movement of the structure..."
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 11

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #200 and Land Filling & Regrading Application #114 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans submitted to the Commission entitled:
- Zoning Location Survey depicting 24 Lake Drive Darien CT Prepared for Ashton Holdings, LLC, by Redniss & Mead, scale 1"=10', dated 12-10-03.
 - Site Development Plan depicting 24 Lake Drive Darien CT Prepared for Ashton Holdings, LLC, by Redniss & Mead, scale 1"=10', dated 12-10-03, Drawing No. SE-1.
 - Notes and Details depicting 24 Lake Drive Darien CT Prepared for Ashton Holdings, LLC, by Redniss & Mead, scale 1"=10', dated 12-10-03, Drawing No. SE-2.

As noted at the public hearing, the plans are to be modified to incorporate a bilco hatch in the rear of the proposed residence, replacing one of the two sets of stairs. The bilco hatch is shown on the plan entitled:

- Tellini Residence, Revised Site Plan Diagram, 23 Jan 2004.
- B. Accompanying the Zoning and Building Permit applications and prior to commencing construction of the house, more detailed drawings of the foundation design shall be submitted along with certification from a licensed architect and/or engineer, that verifies that the final submitted design complies with the applicable requirements.
- C. Very minimal filling or regrading of the site is shown on the submitted plans. At the public hearing, the applicant's representative noted that it may be appropriate to include a subtle swale along the western property line, to ensure that water is not directed towards that adjacent property. A plan showing such a swale is hereby required by the Commission and shall be submitted with the Zoning and Building Permit applications.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. *As noted at the public hearing, this will include the installation of an additional anti-tracking pad at the proposed driveway, and construction and/or silt fence along the front property line. These devices are required to minimize sediment and erosion flowing onto Lake Drive.* All sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Once the foundation of the structure has been installed, the applicant shall submit an 'as built' survey to verify compliance with the setback requirements and minimum floor elevation requirements of the regulations and this approval. Once the structure is built, and prior to the request for a Certificate of Zoning Compliance, the applicant shall submit verification from the project engineer that all aspects of the building construction, drainage system and site work, have been completed in compliance with the approve plans and the flood damage prevention regulations.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 12

- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 829 f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (February 9, 2005). This may be extended as per Section 829f.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void.

The motion was made by Mr. Bigelow, seconded by Mr. Conze and unanimously approved.

Chairman Damanti changed the order of the agenda to accommodate the public in attendance, and read the following agenda item:

Discussion regarding Crystal Gardens, 934 Boston Post Road, CBD Zone.

Commission members discussed the proposed redevelopment of the property with Attorney Wilder Gleason. The property contains a front building that has approximately 3,000 square feet of florist shop on the ground floor, approximately 3,000 sq. ft. of storage on the second floor, and approximately 3,000 sq. ft. of basement storage. There is a second part to the building that is used as D'Iorio Printers on the ground floor and as the Board of Realtors' offices on the second floor. There are approximately six marginal parking spaces in an odd shaped parking area that is on the site. A number of potential reuses of the site and/or alterations of the building to accommodate more on site parking spaces were discussed. Mr. Gleason and his client will have several conceptual drawings made to illustrate potential reuses of the property.

Chairman Damanti read the following agenda item:

Discussion of 2005 Town Plan of Conservation & Development

Discussion of first draft of Regional Issues Chapter.

The first draft of the Regional Issues Chapter was discussed. Robert Wilson, Executive Director of the Southwestern Regional Planning Agency was in attendance and made numerous observations and suggestions. The Commission members made many comments about the first draft and the conclusion was that the draft will need to be substantially revised to make sure that it is coordinated

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
FEBRUARY 10, 2004
PAGE 13

with the Regional Plan and to make sure that the Regional Issues Chapter coincides with other chapters within the Town Plan of Conservation & Development.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

David J. Keating
Assistant Director of Planning

02102004.min